

AGENCY: Bureau of Indian Affairs

ACTION: Record of Decision for the Construction and Operation of an Independent Spent Fuel Storage Installation (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians (Band) in Tooele County, Utah

SUMMARY: The Bureau of Indian Affairs (BIA) is issuing the Record of Decision (ROD) for a proposed lease of tribal trust lands between Private Fuel Storage, L.L.C. (PFS) and the Band. The BIA analyzed the impacts of the proposed lease on the quality of the human environment under the National Environmental Policy Act (NEPA). The BIA issued a draft environmental impact statement (EIS) in June 2000, and the final EIS (FEIS) in December 2001.

The FEIS analyzes the effects of the construction and operation of an ISFSI for two distinct proposed sites on land held in trust by the United States for the benefit of the Band on its reservation, two different methods of transporting the spent nuclear fuel (SNF) from an existing Union Pacific rail line 39 km (24 miles) north of the proposed sites, and one alternate site in Wyoming. The Nuclear Regulatory Commission (NRC) is the lead agency; the Bureau of Land Management (BLM), the Surface Transportation Board (STB) and the BIA are cooperating agencies for the EIS. Each agency participated in the NEPA process within the scope of its respective responsibility. In this Record of Decision (ROD), the BIA is announcing its decision to disapprove the proposed lease and choose the no action alternative.

The BIA decision is based on review of the draft EIS; the FEIS; comments received from the public, other Federal agencies, and State and local governments; consideration of the required factors under the Indian Long-term Leasing Act and implementing regulation; and discussion of all the alternatives with the cooperating agencies.

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SUPPLEMENTARY INFORMATION

The Skull Valley Band of Goshute Indians

The Band is a federally recognized Tribe with 125 enrolled members. The Band's reservation consists of 18,540 acres in Tooele County, Utah, about 70 miles West of Salt Lake City. As of the date of this ROD, approximately 30 Band members live on the reservation.

Spent Nuclear Fuel

SNF consists mainly of intact fuel rods removed from a nuclear reactor. The rods contain pellets of uranium, each about the size of a pencil eraser, that are the source of heat inside a reactor vessel. While in the reactor, the uranium is used up and fission by-products accumulate and degrade the efficiency of the fuel rods until they can no longer effectively power the reactor. When removed from reactors, the uranium pellets stay in

the fuel rods, which remain highly radioactive and must be stored in specially constructed pools of water ("wet storage") or in specially designed containers cooled by natural airflow ("dry storage") until the radioactivity decreases to safer levels, a process that can take thousands of years.

The NRC has statutory authority to license both wet and dry SNF storage facilities. As of the date of this ROD, NRC has licensed 42 ISFSI facilities across the United States. Most of these are located with the nuclear reactors where the SNF is generated. The NRC has commented that the SNF is safely stored at the locations where it is currently located.¹ The proposed ISFSI at the Goshute Reservation is the first large, away from point-of-generation repository of its type to be licensed by the NRC.

The Proposed ISFSI

The ISFSI proposed for the Goshute Reservation would be operated by PFS, a private, non-governmental entity composed of eight NRC-licensed nuclear power generators.² Under its proposed plan, PFS would accept SNF under contract from its constituent members and other NRC-licensed nuclear power generators across the country. SNF would be shipped by rail or by rail and heavy haul truck (as discussed in the FEIS analysis below) to the proposed ISFSI from all parts of the United States. The generators would retain title to the SNF while in transit to the proposed ISFSI and while it is stored there. At the proposed ISFSI, the stainless steel shipping containers that hold the SNF would be placed in DOE-designed, NRC-licensed steel and concrete storage

¹ See FEIS Response to Comments, Section G.3.2.1; G.3.5.1.4.

² Those generators are: Indiana-Michigan Power Company (American Electric Power); Entergy Corporation; GPU Nuclear Corporation; Xcel Energy; Florida Power and Light Company; Southern Nuclear Operating Company; Southern California Edison Company; Genoa Fuel Tech, Inc.